

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION
THIS DOCUMENT RELATES TO: TRACK 2 SETTLEMENT

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**[PROPOSED] ORDER GRANTING CLASS PLAINTIFFS' MOTION FOR SECOND
DISTRIBUTION OF THE TRACK TWO SETTLEMENT FUND TO CONSUMER
CLAIMANTS AND THIRD-PARTY PAYORS**

Upon review of the Class Plaintiffs' Status Report and Motion for Second Distribution of the Track Two Settlement Fund, and any response thereto, it is hereby ORDERED as follows:

1. Class Plaintiffs' Motion for a Second Distribution to Track Two Consumer

Claimants is GRANTED, the Distribution shall occur and any remaining funds shall be disbursed as detailed in the Motion;

2. Class Plaintiffs' Motion for *cy pres* distribution of the remaining Track Two TPP

fund is also GRANTED. The Court finds that the cost of making a second distribution to TPP claimants would be prohibitive and that the City of Hope is an appropriate recipient of the remaining TPP funds;

3. Following the distributions ordered herein, any and all claims regarding the Track

Two Settlement will be extinguished and neither the Defendants, Class Counsel nor the Claims Administrator shall have any liability for any subsequent claims asserted by Class Members who have either not been located or who have not cashed checks that have been issued to them.

DATE: January __, 2017

Hon. Patti B. Saris
United States District Judge